

Rogaczewski, Joshua

From: Burchfield, Bobby
Sent: Wednesday, October 16, 2013 13:33
To: Darcie Brault; Capotosto, Laura
Cc: Rogaczewski, Joshua
Subject: RE: Reese v. CNH Global N.V. (E.D. Mich.): Notices of Subpoenas

Darcie—

Plaintiffs will have defendants' expert reports tomorrow, giving you a month to take depositions of the two experts before the existing deadline. Defendants are willing to move forward promptly to take depositions of the plaintiffs' three experts as soon as we receive their rebuttal reports. Accordingly, we do not believe any extension is appropriate, much less 90 days. You will recall that all scheduling orders in this case have contemplated closing discovery 30 days, not 90 days, after the final expert report. Further, the only change since the last scheduling order is the magistrate judge's grant of your request to submit a rebuttal expert report thirty days after receipt of our disclosure. A 90 day extension makes no sense.

Nevertheless, in the spirit of compromise, defendants would agree to a 30 day extension from November 18, to December 18. Dispositive motions would be due on January 20, 2014. Please let us know whether this compromise is acceptable. Thanks.

Bobby R. Burchfield
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From: Darcie Brault [mailto:DBrault@MichWorkLaw.com]
Sent: Wednesday, October 16, 2013 12:27 PM
To: Capotosto, Laura
Cc: Burchfield, Bobby; Rogaczewski, Joshua
Subject: RE: Reese v. CNH Global N.V. (E.D. Mich.): Notices of Subpoenas

Laura, Josh and Bobby,

Please advise if you are agreeable to a ninety day extension of the scheduling order beginning with the discovery deadline of November 18, 2013. I do not see how it will be possible to complete the discovery of our three experts, your experts and any other additional discovery needed within the short time between now and November 18, 2013. I am prepared to file a motion this week or early next and am asking your concurrence per Local Rule 7.1.

Darcie R. Brault, Esq.
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From: Capotosto, Laura [<mailto:Lcapotosto@mwe.com>]

Sent: Wednesday, October 16, 2013 9:37 AM

To: Darcie Brault

Cc: Burchfield, Bobby; Rogaczewski, Joshua

Subject: RE: Reese v. CNH Global N.V. (E.D. Mich.): Notices of Subpoenas

Darcie,

You observed correctly that these subpoenas are for documents. These subpoenas are a prelude to subpoenas for depositions. We plan to address expert deposition scheduling tomorrow after we serve our disclosures.

Laura J. Capotosto
McDermott Will & Emery LLP
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lcapotosto@mwe.com

From: Darcie Brault [<mailto:DBrault@MichWorkLaw.com>]

Sent: Tuesday, October 15, 2013 1:14 PM

To: Capotosto, Laura

Subject: RE: Reese v. CNH Global N.V. (E.D. Mich.): Notices of Subpoenas

Importance: High

Laura,

Am I assuming correctly that these are "documents only" subpoenas and can be satisfied by delivery of the responsive documents? It is not clear whether you expect them to appear and provide testimony.

Darcie R. Brault, Esq.
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From: Capotosto, Laura [<mailto:Lcapotosto@mwe.com>]
Sent: Friday, October 11, 2013 7:07 PM
To: Darcie Brault
Cc: Burchfield, Bobby; Rogaczewski, Joshua
Subject: Reese v. CNH Global N.V. (E.D. Mich.): Notices of Subpoenas

Darcie,

Attached please find courtesy copies of the notices of subpoenas being served today by first-class mail.

Laura J. Capotosto
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